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8 CUVIELLO AND ALFREDO
KUBA



9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 DENIZ BOLBOL, AN INDIVIDUAL, JOSEPH
14 CUVIELLO, AN INDIVIDUAL, AND ALFREDO
KUBA, AN INDIVIDUAL, and DOES 1-40,

15 Plaintiffs,

16 vs.

17 THE RINGLING BROS. AND BARNUM AND
18 BAILEY CIRCUS; THE CITY OF SAN JOSE, HP
PAVILION MANAGEMENT,

19 Defendants.
20

No. C 04 00082 JW

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER FOR
PETITION TO MODIFY
PRELIMINARY INJUNCTION**

21
22 Plaintiffs Deniz Bolbol, Joseph CuvIELlo, and Alfredo Kuba seek an order modifying the
23 court's preliminary injunction in this case. Plaintiffs contend that the modification is necessary in
24 light of the Ninth Circuit's decision in Kuba v. A-1 Agricultural Association, 387 F.3d 850 (9th Cir.
25 2004), and in light of events subsequent to the issuance of the injunction. Because the circus is
26 scheduled to return to San Jose and the HP Pavilion on August 24, 2005, Plaintiffs seek to have the
27 order modified prior to that date. Plaintiffs state that they have contacted the court, and the only
28

1 date available for a hearing on the motion is August 22, 2005. Plaintiffs seek to file a motion
2 modifying the injunction before August 1, 2004, and prior to filing the motion, seek a deposition
3 of Steve Kirsner. Plaintiffs request that the court shorten the time ordinarily required for
4 briefing, and enter an order allowing briefing on these matters to be filed according to the
5 following schedule, to which the Parties have agreed:

- 6 1. Plaintiffs shall file and serve their petition on or before August 1, 2005.
- 7 2. Defendants shall file and serve any opposition papers on or before August 12,
8 2005.
- 9 3. Plaintiffs shall file and serve their reply papers on or before August 15, 2005.

11 Dated: July 20, 2005

BERLINER COHEN

12 By [Signature]
13 FRANK R. UBHAUS
14 THOMAS P. MURPHY
15 ATTORNEYS FOR SAN JOSE ARENA
MANAGEMENT, LLC.

16 Dated: July 22, 2005

GONZALEZ & LEIGH, LLC.

17 By [Signature]
18 BRYAN VERESCHAGIN
19 G. WHITNEY LEIGH
20 ATTORNEYS FOR PLAINTIFFS

21 Dated: July __, 2005

CITY OF SAN JOSE

22 By: _____
23 DAVID ROLLO
24 ATTORNEYS FOR DEFENDANT
25 CITY OF SAN JOSE

26 **ORDER**

27 IT IS SO ORDERED.

28 THE HONORABLE JUDGE JAMES WARE

date available for a hearing on the motion is August 22, 2005. Plaintiffs seek to file a motion modifying the injunction before August 1, 2004, and prior to filing the motion, seek a deposition of Steve Kirsner. Plaintiffs request that the court shorten the time ordinarily required for briefing, and enter an order allowing briefing on these matters to be filed according to the following schedule, to which the Parties have agreed:

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Dated: July __, 2005

BERLINER COHEN

By _____
FRANK R. UBHAUS
THOMAS P. MURPHY
ATTORNEYS FOR SAN JOSE ARENA
MANAGEMENT, LLC.

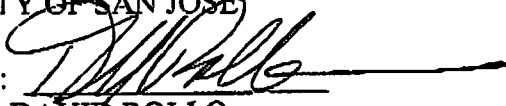
Dated: July __, 2005

GONZALEZ & LEIGH, LLC.

By _____
BRYAN VERESCHAGIN
G. WHITNEY LEIGH
ATTORNEYS FOR PLAINTIFFS

Dated: July 14, 2005

CITY OF SAN JOSE

By: 
DAVID ROLLO
ATTORNEYS FOR DEFENDANT
CITY OF SAN JOSE

ORDER

IT IS SO ORDERED.

/s/ James Ware 7/27/05
THE HONORABLE JUDGE JAMES WARE